

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

HAROLD E. MONTAGUE,

Case No.: 3:17-cv-00648-RCJ-CSD

Petitioner,

Order

v.

MS. BAKER, et al.,

Respondents.

This closed habeas matter is before this Court on Petitioner Harold E. Montague's motion for the appointment of counsel. (ECF No. 65.)

This court denied Montague's habeas corpus petition, including denying a certificate of appealability, on September 7, 2021, and judgment was entered. (ECF Nos. 47, 48.) Montague appealed, and the Ninth Circuit Court of Appeals denied a certificate of appealability on March 2, 2022. (ECF Nos. 49, 51.) On May 12, 2022, this Court denied as moot Montague's motion "for extension of time for C.O.A. & motion for counsel," motion for the appointment of counsel, and motion for a certificate of appealability. (ECF No. 57.) On July 27, 2022, Montague again moved for the appointment of counsel. (ECF No. 61.) This Court denied the motion. (ECF No. 62.) On August 24, 2022, the Ninth Circuit Court of Appeals denied Montague's application for permission to file a second or successive habeas petition in this court. (ECF No. 63.)

Because (1) this Court has already twice denied Montague's post-judgment motions for the appointment of counsel in this closed case and (2) Montague fails to argue why that decision should be reconsidered, Montague's instant motion for the appointment of counsel is denied. Further, this action has been, and remains, closed. The Court will direct the Clerk of Court to designate

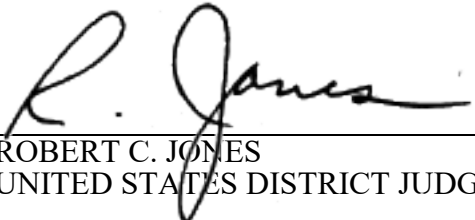
1 Montague as a restricted filer in this matter and to not accept any further filings in this closed
2 action other than a notice of appeal from this order.

3 IT IS THEREFORE ORDERED that the motion for appointment of counsel (ECF No. 65)
4 is DENIED.

5 IT IS FURTHER ORDERED that the Clerk of Court will designate Petitioner Harold
6 Montague as a restricted filer in this matter and that the Clerk shall return unfiled any further
7 papers submitted by Petitioner in this matter other than a notice of appeal from this order.

8 IT IS FURTHER ORDERED that, to the extent required, a certificate of appealability is
9 denied, as jurists of reason would not find the district court's disposition of petitioner's filing to
10 be debatable or incorrect.

11 Dated: March 13, 2023



ROBERT C. JONES
UNITED STATES DISTRICT JUDGE